

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed July 21, 2006. In the Office Action, claims 1-4, 6, 7 and 11 were rejected under 35 U.S.C. § 102, claims 2-5, 8-10 and 12-20 were rejected under 35 U.S.C. §103. Claims 1, 3-7, 11 and 13 are provisionally rejected under obviousness-type double patenting. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### ***Provisional Rejection Under Obviousness-type Double Patenting***

Claims 1, 3-7, 11 and 13 were provisionally rejected under obviousness-type double patenting over claims 13 and 14 of copending application 10/763,691. Applicant respectfully requests deferral of the filing of a terminal disclaimer until confirmation by the Examiner of the allowability of the pending claims.

#### ***Rejection Under 35 U.S.C. §102***

Claims 1-4, 6, 7 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Faita (U.S. Patent No. 5,770,035). Moreover, claims 1, 6-7 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by Lipsztajn (U.S. Patent No. 4,915,927). Applicant respectfully traverses the rejection because a *prima facie* case of anticipation cannot be maintained because neither Faita nor Lipsztajn describes an apparatus for purification of the in-flow solution and a second cell frame that includes an in-flow port to receive the in-flow solution including the contaminant metal and an out-flow port...positioned above the in-flow port and to output a solution without the contaminant metal.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-4, 6, 7 and 11 under 35 U.S.C. § 102(b) as being anticipated by Faita as well as the rejection of claims 1, 6-7 and 11 under 35 U.S.C. § 102(b) as being anticipated by Lipsztajn.

#### ***Rejections Under 35 U.S.C. §103***

Claims 5 and 13-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Faita in view of the publication entitled "Newest News About Brown's Gas." Applicant respectfully submits that a *prima facie* case of obviousness has not been established.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 5 and 13-18 under 35 U.S.C. § 103(a) as being unpatentable over Faita 5,770,035 with evidence from "Newest News About Brown's Gas." Applicant traverses the rejection because a *prima facie* case of obviousness has not been established. As an example, the publication is directed a transparent series-cell electrolyzers to monitor bubble formation on the plates to monitor Brown's Gas. The publication does not describe the formation of a translucent or transparent *sidewall* of the second cell frame and this translucent/transparent characteristic enables viewing of the anode (internal component) as claimed.

Similarly, claims 2-5 and 12-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lipsztajn in view of Faita and the publication entitled "Newest News About Brown's Gas." Again, Applicant traverses the rejection because a *prima facie* case of obviousness has not been established. For instance, with respect to claim 2 for example, none of the cited references describes a screen spacer positioned *between* the anode and the first membrane and/or a second screen spacer positioned *between* the cathode and the first membrane. The peripheral gaskets (15,16) of Faita do not constitute the screen spacers as claimed because the screen spacers are positioned along a periphery as shown in FIG. 1, and are clearly not positioned between the anode/cathode and membrane as claimed.

Applicant respectfully requests that the Examiner withdraw the rejection the outstanding §103(a) rejections.

### ***Conclusion***

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.